

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

SUMMIT SUN INVESTMENTS, LLC,

Plaintiff,

Case No. 3:24-cv-31

vs.

MONTGOMERY COUNTY
BOARD OF COMMISSIONERS,

District Judge Michael J. Newman
Magistrate Judge Caroline H. Gentry

Defendant.

ORDER: (1) REQUIRING THE PARTIES TO MEET AND CONFER; (2) REQUIRING THE PARTIES TO FILE THEIR FED. R. CIV. P. 26(f) REPORT ON OR BEFORE NOVEMBER 5, 2024; AND (3) REQUIRING THE PARTIES TO MAKE INITIAL DISCLOSURES UNDER FED. R. CIV. P. 26(a)(1) ON OR BEFORE OCTOBER 29, 2024.

Pursuant to Fed. R. Civ. P. 16 and Fed. R. Civ. P. 26(f), the parties are **ORDERED** to informally confer in good faith and prepare a report as required by Fed. R. Civ. P. 26(f).¹ The parties' Rule 26(f) report shall be filed with the Court on or before **November 5, 2024**. Unless otherwise agreed to by the parties in their Rule 26(f) Report, initial disclosures must be made as required by Rule 26(a)(1). Rule 26(a)(1) initial disclosures must be served upon all parties in the case **by October 29, 2024** and should not be filed with the Court unless submitted in support of a motion.

Pursuant to Fed. R. Civ. P. 7.1(a)(2), if this case is based on the assertion of diversity jurisdiction under 28 U.S.C. § 1332(a), “a party or intervenor must . . . file a disclosure statement, nam[ing]—and identify[ing] the citizenship of—every individual or entity whose citizenship is attributed to that party or intervenor[.]” This includes listing the citizenship of each member of any LLC that is a party to this case. A form Diversity of Citizenship Disclosure Statement is

¹ A form Rule 26(f) Report of the Parties (applicable in the Western Division at Dayton) is accessible on the Court's website at <http://www.ohsd.uscourts.gov/ohio-southern-district-forms>.

available on the Court's website at <http://www.ohsd.uscourts.gov/ohio-southern-district-forms>. If a party did not file the Rule 7.1 Diversity of Citizenship Disclosure Statement at the time the case was filed or removed to this Court, *see* Rule 7.1(a)(2)(A), the Diversity of Citizenship Disclosure Statement shall be filed at the same time as the Rule 26(f) report.

The parties are **ADVISED** that failure to comply with any provision of this Order may result in appropriate sanctions including, but not limited to, dismissal of this action or the entry of a default judgment pursuant to Rule 16(f) and Rule 37(b)(2)(A). After the parties file their Rule 26(f) report, the Court intends to put on a scheduling order and to formally refer this matter to the United States Magistrate Judge.

IT IS SO ORDERED.

October 15, 2024

s/Michael J. Newman
Hon. Michael J. Newman
United States District Judge